

7027. Adulteration and misbranding of evaporated milk. U. S. * * * v. 25 Cases of Alleged Evaporated Milk and U. S. * * * v. 25 Cases of Alleged Evaporated Milk. Consent decree of condemnation and forfeiture. Good portion ordered released on bond. Unfit portion ordered destroyed. (F. & D. Nos. 9547, 9547-a. I. S. Nos. 5760-r, 5762-r. S. No. C-1023.)

On December 24, 1918, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 25 cases and 25 cases, each containing 48 cans of alleged evaporated milk, at Kansas City, Mo., alleging that the article had been shipped on or about November 15, 1918, and December 5, 1918, by the Oatman Condensed Milk Co., Dundee, Ill., and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libels for the reason that it was watery in consistency, badly separated and sour, and consisted in whole or in part of a decomposed animal substance.

Misbranding of the article was alleged for the reason that the cans were not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On February 7, 1919, the said Oatman Condensed Milk Co., claimant, having admitted all material allegations contained in the libels and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be separated under the supervision of a representative of this department, and that the portion found fit for human consumption should be released and the unfit portion destroyed by the United States marshal.

E. D. BALL,

Acting Secretary of Agriculture.

7028. Adulteration of evaporated milk. U. S. * * * v. 4,000 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Good portion ordered released on bond. Unfit portion ordered destroyed. (F. & D. No. 9548. I. S. Nos. 5612-r, 5613-r, 5614-r, 5619-r. S. No. C-1022.)

On December 23, 1918, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4,000 cases, each containing 48 cans of an article designated as evaporated milk, at Dundee, Ill., in possession of the Oatman Condensed Milk Co., Dundee, Ill., alleging that the article had been shipped on August 31, 1918, September 3, 1918, and September 13, 1918, and transported from the State of Pennsylvania into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part "Oatman's Brand Evaporated Milk * * *". The Oatman Condensed Milk Co., Dundee, Ill., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed animal substance.

On January 18, 1919, the Oatman Condensed Milk Co., Dundee, Ill., claimant, having admitted the material allegations in the libel and consented to a decree,

judgment of condemnation and forfeiture was entered, and it was ordered in effect by the court that the goods might be sorted, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the entire consignment should be examined by a representative of this department, and that all cans of the product found to be fit for human food should be delivered to the claimant and that portion found to be unfit for human food should be destroyed by the United States marshal.

E. D. BALL,
Acting Secretary of Agriculture.

7029. Adulteration and misbranding of olive oil. U. S. * * * v. 31½ Gallons of Alleged Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9549. I. S. No. 6286-r. S. No. C-1024.)

On December 26, 1918, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31½ gallons of an article represented to be olive oil, remaining unsold in the original unbroken packages at Galveston, Tex., alleging that the article had been shipped on or about October 2, 1918, by A. J. Barbanera, New York, N. Y., and transported from the State of New York into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled "Extra Fine Quality Oil D'Annunzio Brand," (in small type) "Corn Oil" and "Style," and "Specialty Lucca Trade Mark Packed by A. J. Barbanera." Instead of "Specialty Lucca" part of the product was labeled "Termini Imerese," and a part "Bitonto." A portion of the cans were also labeled "Net Contents ¼ Gallon," a portion "Net Contents ½ Gallon," and a portion "Net Contents 1 Gallon."

Adulteration of the article was alleged for the reason that it was composed in part of a filthy substance, consisting of rat and mouse excreta and dirt, and for the further reason that cottonseed oil had been mixed and packed therewith so as to reduce or lower and injuriously affect its quality and strength and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements borne on the labels as above set forth were false and misleading and deceived and misled the purchaser for the reason that the words in inconspicuous type did not sufficiently correct the impression produced by the remainder of the label; and for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, to wit, olive oil. Misbranding of the article was alleged for the further reason that the cans were labeled "One Quarter," "One Half," and "One Gallon," whereas the cans showed an average shortage of 12.5 per cent; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and correctly marked on the outside of the package in terms of weight, measure, or numerical count.

On January 23, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and on March 25, 1919, it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. BALL,
Acting Secretary of Agriculture.